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ORIGINAL: SPANISH

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

COLOMBIA

Communicated by the Government of Colombia

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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E/NL.1987/66

DECREE NO. 3665 OF 17 DECEMBER 1986

Enacting measures for the control of narcotic drugs trafficking

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA,

In exercise of the powers conferred on him by article 121 of the Political Constitution, and pursuant to Decree No. 1038 of 1984, 1/

DECREES:

ARTICLE 1. As long as public order remains disturbed and martial law continues in the national territory, the contraventions described in article 64 of Law No. 30 of 1986 2/ and the other contraventions provided for in article 65, paragraphs (b), (c) and (d), of the same Law shall be regarded as crimes and shall be punishable by imprisonment for a term of from three to 10 years.

ARTICLE 2. As long as public order remains disturbed and martial law continues in the national territory, the special narcotics control units of the military forces and the national police may take steps to render landing strips unusable and to destroy plantations of marijuana, coca and opium poppy in the situations contemplated in Law No. 30 of 1986, when the operations are carried out in rural areas where judicial authorities or representatives of the Public Prosecutor's Office (Ministerio Público) may not be immediately available. In such cases, an appropriate report must without delay be submitted to the competent authorities.

ARTICLE 3. The same authorities referred to in the preceding article shall be empowered to destroy the chemical inputs and other substances used in the processing of narcotic drugs in the situations covered by Law No. 30 of 1986, when the operations take place under the circumstances described in article 2 of this Decree.

ARTICLE 4. Any items seized or confiscated under the procedures referred to in articles 2 and 3 of this Decree shall be placed at the disposal of the commander of the tactical or operational unit, or of the commander of the department of police, as the case may be, within 48 hours following their seizure or confiscation.

ARTICLE 5. The movable and immovable property used in the commission of crimes or contraventions involving narcotic drugs shall be excluded from commerce, and may not be traded until the final judicial ruling is declared enforceable.

ARTICLE 6. The reports or judgements submitted to the authorities by the special narcotics control services of the military forces and national police shall have evidentiary value in judicial proceedings, subject to the provisions of the Code of Criminal Procedure.

ARTICLE 7. This Decree shall enter into force on the date of its publication and shall partially suspend articles 43, 64, 65 and 77 of Law No. 30 of 1986 and any provisions that may be contrary to it.

E/NL.1987/67

DECREE NO. 3667 OF 19 DECEMBER 1986

Enacting measures for the re-establishment of public order

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA,

In exercise of the powers conferred on him by article 121 of the Political Constitution, and pursuant to Decree No. 1038 of 1984, 1/

DECREES:

ARTICLE 1. The commanders of operational units and of naval and air bases are authorized to order the suspension of the licences and operating permits of persons involved in air, sea, river and land transport on the basis of such serious evidence as may be provided by the intelligence-gathering organizations regarding activities of persons, aircraft, vessels and land vehicles and also operations at airfields or landing strips, ports and piers or at marine, river and land terminals, when such evidence indicates that said activities or operations are connected with the traffic in narcotic drugs.

ARTICLE 2. This Decree shall enter into force on the day of its publication and shall suspend any provisions that may be contrary to it.

To be published and implemented.

E/NL.1987/68

DECREE NO. 3671 OF 19 DECEMBER 1986

Enacting provisions on competence and procedures
in respect of drug trafficking

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA,

In exercise of the powers conferred on him by article 121
of the Political Constitution, and pursuant to
Decree No. 1038 of 1984, 1/

DECREES:

ARTICLE 1. The hearing of cases involving the offences referred to in articles 32, 33, 34 and 35 of Law No. 30 of 1986 2/ shall be the responsibility of the military criminal justice authorities, who shall try these cases under the procedure indicated in article 590 of the Code of Military Criminal Justice and regarding whose decisions it shall be possible to seek clarification.

Brigade commanders and commanders of naval forces, the Germán Olano Air Base and the Unified Southern Command shall be competent to hear and try the aforementioned cases.

Paragraph. The competence conferred on the military criminal justice authorities under the present Decree shall be limited to the following quantities of seeds, plants and drugs:

(a) With regard to the seeds referred to in article 32, paragraph 1 [of Law No. 30 of 1986], the military criminal courts shall hear only such actions as must be instituted for the confiscation of two kilograms or more.

(b) With regard to the plants referred to in paragraph 2 of the same article, this competence shall be limited to such actions as must be instituted for the confiscation of 1,000 plants or more.

(c) With regard to the various drugs referred to in article 33 [of Law No. 30 of 1986], this competence shall be restricted to such actions as must be instituted for the confiscation of 1,000 plants or more.

(d) With regard to the various drugs referred to in article 33 [of Law No. 30 of 1986], this competence shall be restricted to such actions as must be instituted for the confiscation of 1,000 grams or more.

ARTICLE 2. The competence and procedures established in the preceding article shall extend to the offences connected with the infractions mentioned in it.

ARTICLE 3. Persons guilty of offences under the terms of article 1 of this Decree shall not be entitled to conditional release or to conditional execution of sentence.

ARTICLE 4. The criminal investigation judges may bring proceedings against private persons for the offences referred to in article 1 of this Decree.

To this end, the sectional criminal investigation directors shall designate the criminal investigation judges, following a request by the brigade commanders and the commanders of naval forces, the Germán Olano Air Base and the Unified Southern Command.

ARTICLE 5. Arrest and preventive detention shall be governed by the relevant provisions of the Code of Military Criminal Justice. The period established in article 521 of the Code of Military Criminal Justice shall be 10 days if only one person is under investigation, and 20 days if two or more persons are involved in the same proceedings.

ARTICLE 6. For the purposes of this Decree, jurisdiction and competence with regard to private persons shall be vested in the Commander of the Southern Unified Command.

ARTICLE 7. The provisions of this Decree shall apply to proceedings initiated after it enters into force.

ARTICLE 8. This Decree shall enter into force on the date of its publication and shall suspend any provisions that may be contrary to it.

READEX

E/NL.1987/69

DECREE No. 3673 OF 19 DECEMBER 1986

Enacting measures designed to combat impunity

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA,

In exercise of the powers conferred on him by article 121 of the Political Constitution, and pursuant to Decree No. 1038 of 1984, 1/

DECREES:

ARTICLE 1. Any person who provides the authorities with information leading to the carrying out of an arrest warrant issued on the occasion of the commission of an offence within the national territory or outside it may be eligible for a monetary reward.

A person who provides useful information or evidence substantiating the criminal responsibility of the person charged or making it possible to include other persons in that responsibility may be eligible for the same reward.

ARTICLE 2. The National Council of Criminal Inquiries [Consejo Nacional de Instrucción Criminal] shall inform the Director-General of Criminal Inquiries [Director General de Instrucción Criminal] of the cases in which there is to be provision for rewards, of their amounts and of the advisability of their payment.

ARTICLE 3. In special cases, the National Council of Criminal Inquiries may recommend that the reward offers should be made public.

In addition, whenever it deems it advisable, the National Council of Criminal Inquiries may authorize that the amount of the rewards be set in advance.

ARTICLE 4. The National Government may take special measures to protect the persons who provide the useful information and evidence referred to in article 1 of this Decree. These measures may consist in the issue of new civil registry or personal identity documents as well as in the provision of the necessary funds to enable these persons to change their residence and occupation both within the country and abroad.

ARTICLE 5. The rewards to which this Decree refers may be paid within the country or outside it.

ARTICLE 6. The acts performed and the instructions issued by the National Government, the National Council of Criminal Inquiries and the Director of Criminal Inquiries in compliance with this Decree shall be protected by confidentiality under the law.

ARTICLE 7. The cost of the rewards shall be charged to the budget of the Administrative Security Department [Departamento Administrativo de Seguridad], for which purpose a special account, to be managed with absolute confidentiality, shall be opened. The Government is authorized to carry out all the necessary budgetary operations.

The person in charge of disbursements for the purposes indicated shall be the Head of the Administrative Security Department, who may not delegate this authority and who shall be required to submit periodic reports to the Controller-General of the Republic [Controlador General de la República] on the amount and advisability of the rewards paid. Only the Controller-General of the Republic shall be authorized to audit the management of this special account, to which donations may also be made.

ARTICLE 8. Any person, unless he has been apprehended in<flagrante<delicto, who confesses his offence in his first statement and is subsequently convicted shall have his sentence reduced by one third if that sentence was based on his confession.

The sentence may also be reduced by one half if the confession leads to the conviction of another guilty party.

ARTICLE 9. The provisions of the preceding article shall also apply to persons whose information leads to the carrying out of an arrest warrant.

ARTICLE 10. If an informer or collaborator who has benefited from a reduction in sentence repeats his offence or commits any criminal act, the effects of the reduction in sentence shall cease.

ARTICLE 11. This Decree shall enter into force on the date of its publication and shall suspend any provisions that may be contrary to it.

To be published and implemented.

Done in Bogotá, D. E., on 19 December 1986.

E/NL.1987/70

DECREE No. 3788 OF 31 DECEMBER 1986

Regulating Law No. 30 of 1986 or
National Narcotic Drugs Statute 2/

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA

In exercise of the powers conferred on him by article 120,
paragraph 3, of the Political Constitution,

DECREES:

CHAPTER I

General aspects

ARTICLE 1. For the application of Law No. 30 of 1986, the meaning of the words "addiction" or "drug addiction" shall be understood as referrring to both physical and psychological dependence.

ARTICLE 2. For the purposes intended in the National Narcotic Drugs Statute, every mention of the word "plant" shall be understood as referring not only to the organic being that lives and grows in the earth, but also to that which has been removed from the ground and whose leaves have been preserved.

ARTICLE 3. The amount of a drug or medication prescribed as a therapeutic dose in response to a patient's clinical requirements must be in conformity with the regulations to that effect issued by the Ministry of Health.

ARTICLE 4. When a narcotic drug, in an amount that does not exceed the amount indicated as the dose for personal use, is held for distribution or sale, the conduct of the person actively involved shall be punished in accordance with the provisions of article 33 of Law No. 30 of 1986.

ARTICLE 5. When a narcotic substance other than marijuana, hashish, cocaine or methaqualone is involved, the Institute of Forensic Medicine shall determine the amount constituting a dose for personal use.

ARTICLE 6. When all that are found are leaves of plants from which narcotic substances can be extracted, 100 grams of coca leaves shall, for the purpose of giving effect to article 32 of Law No. 30 of 1986, be regarded as the average equivalent of one plant.

Similarly, 200 grams of coca leaves shall be regarded as sufficient to produce one gram of cocaine.

ARTICLE 7. For the purposes of Law No. 30 of 1986, the following definitions are established:

(a) Specially controlled raw material or drug. This refers to any pharmacologically active substance, whatever its origin, that produces mediate or immediate effects of physical or psychological dependence in human beings, or that has been classified as such in the international agreements and accepted as such by the Pharmaceutical Products Review Commission [Comisión Revisora de Productos Farmacéuticos] of the Ministry of Health.

(b) Precursor or precursor substance. This refers to a substance or blend of substances from which drugs that produce physical or psychological dependence can be synthesized, manufactured, processed or obtained.

(c) Medication. This refers to any drug produced or processed in a recognized pharmaceutical form and used for the prevention, diagnosis, treatment or cure of diseases or for the rehabilitation of those suffering from them.

(d) Specially controlled medication. This refers to a drug or blend of drugs, with similar substances added, that has been prepared for presentation in pharmaceutical form and that can produce physical or psychological dependence.

ARTICLE 8. In accordance with the provisions of the international agreements, and on the advice of the Pharmaceutical Products Review Commission referred to in article 33 of Decree No. 121 of 1976, the Ministry of Health shall draw up a list of specially controlled drugs, medications and raw materials, determining which are to be included in it or excluded from it.

ARTICLE 9. For the purposes intended in the National Narcotic Drugs Statute, every mention of the word "money" shall be understood as referring to national or foreign currency.

CHAPTER II

The Sectional Councils

ARTICLE 10. The National Narcotic Drugs Council [Consejo Nacional de Estupefacientes] shall co-ordinate and monitor the activities of the sectional councils [consejos seccionales].

Within the policy guidelines laid down by the National Narcotic Drugs Council, the sectional councils shall carry out the activities and campaigns that may be required in the various regions for the purpose of preventing drug trafficking and ensuring that the population, particularly the young, do not fall victim to drug dependence.

ARTICLE 11. The Technical Advisory Committee of the National Narcotic Drugs Council shall prepare, within a month of the enaction of this Decree, a programme of campaigns against drug dependence and drug trafficking. It shall submit this programme for approval to the National Council, and the latter, within the same period, shall decide on the appropriate measures and shall undertake the programme's immediate implementation through the sectional councils.

Every six months the National Council and the sectional councils shall evaluate the work that has been carried out and shall adopt concrete programmes of action.

ARTICLE 12. The National Narcotic Drugs Council, acting on its own initiative or on the initiative of a sectional council, and in agreement with the Ministry of Communications, shall indicate the campaigns to be conducted by the radio broadcasting and television stations, specifying the duration and periodicity of the transmissions.

ARTICLE 13. The sectional narcotic drugs councils shall hold regular meetings during the second and fourth weeks of every month and may hold special meetings whenever their chairmen convene them. From the month following the coming into force of this Decree, these councils shall submit monthly reports to the National Narcotic Drugs Council on the work each of them has carried out.

ARTICLE 14. The heads of the respective sectional health services [servicios seccionales de salud] shall act as the secretaries of the sectional narcotic drugs councils.

ARTICLE 15. The sectional councils shall establish in the cities and population centres where they consider it advisable civic committees whose purpose shall be to organize general community activities against the production and consumption of, and trafficking in, addictive drugs. These committees shall include the most representative sectors of the locality, and a special effort shall be made to secure the participation of the trade unions and other organizations, the press, the parents' associations, the church, the educators and other members of the community. The committees shall be able to draw on economic support from the revolving fund provided for in article 97 of Law No. 30 of 1986.

CHAPTER III

Import, export, manufacture, distribution and sale of drugs, medications, raw materials or precursors

ARTICLE 16. Specially controlled drugs and medications and the raw materials or precursors used to manufacture them may be imported only by or through the Narcotic Drugs Revolving Fund of the Ministry of Health. Special consideration in this regard must be given to the drugs included in the Single Convention on Narcotic Drugs of 1961 and the Convention on Psychotropic Substances of 1971, with their later amendments. The active principles constituting the raw material that is determinant for the inclusion of a medication in the schedule of those subject to special control shall be imported by or through this Fund.

ARTICLE 17. For the import, acquisition, processing, synthesizing, production and distribution of specially controlled medications, the pharmaceutical laboratories must register with the Narcotic Drugs Revolving Fund of the Ministry of Health. To this end, the [laboratory's] legal representative and technical director must submit all the documentation required by that Ministry. The laboratories shall be required to ensure that their documentation is kept current.

ARTICLE 18. When authorization is given for the import of specially controlled raw materials at the request of a pharmaceutical laboratory, the import of these materials shall be effected in accordance with the limits set by the Narcotic Drugs Revolving Fund of the Ministry of Health following a study of requirements based on an analysis to be made in each case.

ARTICLE 19. Pharmaceutical laboratories that engage in imports of the kind referred to above shall be required to submit annually a table indicating their anticipated requirements in this area for the following year. They shall do this on the date and in the way indicated by the Ministry of Health.

ARTICLE 20. Pharmaceutical laboratories may not hold stocks of specially controlled drugs, medications, raw materials or precursors in amounts exceeding those authorized by the Narcotic Drugs Revolving Fund of the Ministry of Health. Any negotiations that, because of circumstances beyond their control, the laboratories may have to conduct among themselves regarding these substances must be approved by the Fund, following a written request signed by the seller and buyer and stating the reasons [for the transaction].

ARTICLE 21. The Colombian Foreign Trade Institute [Instituto Colombiano de Comercio Exterior] and the Narcotic Drugs Revolving Fund of the Ministry of Health shall, using the machinery to be agreed, exchange information on a monthly basis for the purpose of establishing effective control.

ARTICLE 22. Pharmaceutical laboratories manufacturing specially controlled medications or the precursors used in their manufacture must observe the regulations issued by the Ministry of Health. In any case, they must comply with the following requirements:

(a) They must acquire the raw materials from or through the Narcotic Drugs Rotating Fund of the Ministry of Health, following their registration with the Fund and their payment of the corresponding fees;

(b) They must submit a request signed by the laboratory's technical director;

(c) They must inform the Narcotic Drugs Revolving Fund of the Ministry of Health, in writing and with the advance notice required by the Fund, of the date of the manufacturing process [transformación] in order that an official of the Fund may witness it, if this is regarded as advisable.

ARTICLE 23. Manufacturing laboratories that use controlled raw materials shall be required to maintain a book recording [all] the movements [of these materials]. The book shall be registered and its pages sequentially numbered at the Narcotic Drugs Revolving Fund of the Ministry of Health, officials of which shall inspect it periodically. These laboratories must have at their disposal adequate storage facilities that are independent of their other depositories.

ARTICLE 24. Laboratories manufacturing specially controlled medications shall be required, during the first days of every month, to forward to the Narcotic Drugs Revolving Fund of the Ministry of Health a detailed report on the production and sale of specially controlled medications.

ARTICLE 25. The Ministry of Health shall indicate which from among the medications included in the schedule of those subject to special control are to be produced and distributed exclusively by the Narcotic Drugs Revolving Fund of that Ministry. For that purpose and for any subsequent changes the prior approval of the same Ministry's Pharmaceutical Products Review Commission shall be required.

ARTICLE 26. The regulation of the distribution and sale of such specially controlled medications as are not reserved for the Narcotic Drugs Revolving Fund shall be the responsibility of the Ministry of Health.

ARTICLE 27. Every pharmaceutical establishment legally authorized to manufacture, distribute or sell specially controlled medications shall maintain a book, which has been registered and its pages sequentially numbered at the respective sectional health service, for the purpose of recording the movements of these products. In addition, they shall have available storage facilities that are safe, adequate and independent of those used for other medications.

ARTICLE 28. In the event that specially controlled medications are removed or lost, a report to that effect shall be immediately prepared, with copies sent to the corresponding sectional service and to the Narcotic Drugs Rotating Fund of the Ministry of Health.

ARTICLE 29. The sectional health services shall maintain current lists of the establishments that have been legally authorized to handle specially controlled medications, and shall receive periodic reports from the Narcotic Drugs Rotating Fund of the Ministry of Health on any changes in these lists.

ARTICLE 30. The Ministry of Health shall prepare the official form for specially controlled medications, which shall be periodically supplied to the sectional health services.

ARTICLE 31. Graduate physicians and dentists engaged in the legal practice of their profession must register with the sectional health service and comply strictly with the regulations of the Ministry of Health regarding the prescription of specially controlled medications.

ARTICLE 32. The Narcotic Drugs Rotating Fund of the Ministry of Health shall establish a national drug dependence register, which shall be confidential and the data from which shall be used exclusively for the purpose of preventing drug trafficking and drug dependence. The sectional health services shall establish these registers within their jurisdiction and shall forward the information contained therein to the Revolving Fund.

ARTICLE 33. The export of specially controlled drugs, medications, raw materials and precursors must be effected in accordance with the international agreements on narcotic drugs and psychotropic substances, following registration with the Narcotic Drugs Revolving Fund of the Ministry of Health and in compliance with the regulations issued by that Ministry.

CHAPTER IV

Educational programmes

ARTICLE 34. The Ministry of National Education shall prepare general guidelines for the inclusion in the curriculum plans of the primary, secondary, intermediate vocational, and informal education programmes of subject-matter and activities designed to prevent drug addiction and provide information on the risks of drug dependence.

ARTICLE 35. At the post-secondary educational level, the Ministry of National Education and the Ministry of Health shall prepare general guidelines for the inclusion of information on drug dependence in academic programmes.

ARTICLE 36. In accordance with the guidelines referred to in the preceding article, every post-secondary educational institution must, on a six-monthly basis, conduct drug dependence prevention campaigns. The Colombian Institute for the Promotion of Higher Education [Instituto Colombiano para el Fomento de la Educación Superior] shall regulate and monitor the implementation of this provision.

ARTICLE 37. The Departments of Education [Secretarías de Educación] of every territorial unit shall be responsible for the formulation of drug addiction prevention programmes in compliance with the policies laid down by the Ministry of National Education and the National Narcotic Drugs Council, directly or through the sectional narcotic drugs councils.

ARTICLE 38. With the coming into force of this Decree, the public and private institutions of primary, secondary, intermediate vocational, and informal education shall be required, as part of the drug addiction prevention strategy, to establish and strengthen creative organizations of children and young persons in accordance with the guidance provided by the Ministry of National Education through the Drug Addiction Prevention Programme.

ARTICLE 39. The Ministry of National Education shall set up machinery to monitor and verify the implementation of these provisions.

ARTICLE 40. Within three months of the coming into force of this Decree, the Ministry of National Education and the Ministry of Health shall furnish the general policy guidelines that are to serve as a basis for the provision by the public and private university institutions of the compulsory free service, referred to in article 12 of Law No. 30 of 1986, of clinical consultations for the care of drug-dependent persons.

CHAPTER V

Campaigns against alcohol and tobacco consumption

ARTICLE 41. The Directorate for Monitoring and Control [Dirección de Vigilancia y Control] of the Ministry of Health, through the Biochemical Products Monitoring Division [División de Vigilancia de Productos Bioquímicos], shall order the necessary measures to ensure that, within [two] months following the enactment of this Decree, the enterprises that manufacture, bottle or hydrate alcoholic beverages and also the manufacturers or distributors of tobacco and cigarettes, whether national or foreign, include on their labels the form of words referred to in articles 16 and 17 of the National Narcotic Drugs Statute.

ARTICLE 42. Within two months following the coming into force of this Decree, the Technical Advisory Committee shall submit to the National Narcotic Drugs Council a study on the frequency and times regarded as acceptable for the advertisement of alcoholic beverages, tobacco and cigarettes. Within the following month, the National Narcotic Drugs Council shall analyse this study, deciding on its adoption or on any modifications it regards as necessary. It shall immediately issue the communications provided for in article 19 of Law No. 30 of 1986.

CHAPTER VI

Other provisions

ARTICLE 43. The proceeds of any fine imposed under the terms of the National Narcotic Drugs Statute must be turned over to the Revolving Fund referred to in article 97 of Law No. 30 of 1986 or, in its absence, to the Narcotic Drugs Revolving Fund of the Ministry of Health.

ARTICLE 44. When a transport vehicle is seized under the terms of article 47 of Law No. 30 of 1986, the corresponding authority shall immediately prepare a written record, one copy of which shall be sent to the National Narcotic Drugs Council together with an informatory note, with a second copy to be left in the possession of the person operating the transport vehicle in question.

ARTICLE 45. The record referred to in the preceding article shall clearly and precisely identify the vehicle, the objects or items constituting the offence, the names of the vehicle's owner and driver, and the names and pertinent data of any other persons involved in the act.

ARTICLE 46. For the purposes of article 48 of the Statute, 90 calendar days from the date of the seizure of the item shall be regarded as the legal period.

ARTICLE 47. If by the time the legal period has expired such persons as believe they have a right to the item in question have failed to file a claim for it with the judge or with the National Narcotic Drugs Council, the latter shall order its final disposition or sale at auction.

ARTICLE 48. The Executive Secretariat of the National Narcotic Drugs Council shall request the relevant reports regarding the implementation of the prevention campaigns and, if it is found that they are not being properly carried out, shall communicate this fact to the Office of the Attorney-General of the Nation [Procuraduría General de la Nación], when appropriate, or to the competent authority in order that the corresponding proceedings for contravention of the law may be instituted.

ARTICLE 49. The National Narcotic Drugs Council, operating through its Executive Secretariat, shall take the necessary follow-up action with respect to the items seized in order to guarantee compliance with the provisions of articles 47 and 73 of the Statute.

ARTICLE 50. The National Narcotic Drugs Council shall hold regular meetings during the first and third weeks of every month and may hold special meetings whenever its chairman convenes them.

ARTICLE 51. Requests for the certificates, referred to in the Statute, indicating the absence of drug-trafficking reports shall be made through the Executive Secretariat of the National Narcotic Drugs Council, observing the following formal requirements:

(a) Written application, personally presented and indicating the full name, identity document number, profession or occupation, address and telephone number;

(b) In the case of bodies corporate, the following additional requirements shall also apply:

1. For foundations, associations and corporations:

(a) Certificate of current validity of juridical personality and legal representation;

(b) Duly authenticated photocopy of the papers identifying the legal representative and the members of the Board of Directors as Colombian citizens or foreign nationals.

2. For companies in general:

(a) Authentic copy of the articles of association and of their most recent revised version, if the application is being made for the first time;

(b) Certificate attesting to the firm's legal representation and existence, issued by the Chamber of Commerce at the company's principal place of business;

(c) Company's entry in the government register of commercial firms (Trading Register);

(d) Duly authenticated photocopy of the papers identifying as Colombian citizens or foreign nationals the company's legal representative and the partners in it, and also, in the case of companies other than stock companies, the members of its Board of Directors;

(e) In the case of a stock companies, a duly authenticated photocopy of the papers identifying as Colombian citizens or foreign nationals the company's legal representative, the regular and alternate members of its Board of Directors, and the legal representatives of any other companies holding shares in it.

3. For foreign bodies corporate:

(a) Authentic copy of the certificate of official registration of the incorporation papers before a Colombian notary;

(b) Certificate of registration, incorporation and administration, issued by the Chamber of Commerce;

(c) Duly authenticated photocopy of the papers identifying the legal representative and the members of the Board of Directors as Colombian citizens or foreign nationals;

(d) Operating licence certificate from the appropriate authority, issued not more than three months previously;

(e) In the case of non-profit foreign bodies corporate, the corresponding operating authorization certificate.

ARTICLE 52. When the certificate is required for the Colombian Foreign Trade Institute or the Ministry of Health, the application shall contain, in addition to the items described above, the following information and documents:

(a) Classes and quantities of the substance to be imported, exported, purchased, sold, distributed or manufactured;

(b) Destination of the product;

(c) Attestation of the supplier enterprise;

(d) Authenticated photocopy of the latest declaration of [the Chambers of] Industry and Commerce;

(e) Bodies corporate or individuals domiciled in Bogotá shall request [representatives of] the Ingeominas Chemical Laboratory to visit the facilities of the enterprise, and the latter shall form an opinion regarding the use or application to be given to the substances according to the objective of the industrial enterprise in question. In the case of bodies corporate or individuals not domiciled in Bogotá, they shall in every instance be informed by the Executive Secretariat of the National Narcotic Drugs Council of the authority that is to conduct the visit.

ARTICLE 53. When the certificate is intended for the Administrative Department of Civil Aeronautics [Departamento Administrativo de la Aeronáutica Civil], the following information and documents, in addition to those indicated in article 51 of this Decree, shall be required:

(a) Copy of the deed establishing the ownership of the land that is to be used for the construction of the landing strip, and certificate from the Public Documents Registry Office [Oficina de Registro de Instrumentos Públicos];

(b) Clear explanation of the intended use or purpose of the landing strip;

(c) Enterprises that have aircraft in operation at the time of the application shall be required to provide authenticated photocopies of the papers identifying the crew as Colombian citizens or foreign nationals, and to indicate precisely the area of operations covered;

(d) The purchaser of an aircraft must demonstrate his economic capacity on the basis of income declarations for the last five years and must enclose the respective purchase contract;

(e) Authenticated photocopies of the purchaser's and seller's identity document.

ARTICLE 54. When the certificate is intended for the Department of Maritime Navigation and Ports [Dirección General Marítima y Portuaria], an authenticated photocopy of the applicant's navigation licence shall also be attached.

ARTICLE 55. For the purposes of article 93, paragraph (f), subparagraph 8, a certificate attesting to an absence of drug-trafficking reports shall be issued to crews applying for pilot's, flight engineer's, navigator's or flight assistant's licences as well as for their renewal or any additions to them.

ARTICLE 56. The Technical Advisory Committee for National Drug Dependence Prevention shall hold two regular meetings a month, as convened by its chairman following at least 48 hours' notice, and shall meet in special session at the behest of the National Narcotic Drugs Council.

ARTICLE 57. For the purposes of article 33 of the Statute, the fine referred to shall be understood as referring to an amount of between 10 and 100 times the minimum monthly salary.

ARTICLE 58. With regard to article 64, paragraph (c), of the Statute, the owner or lessee of property on which are located landing strips or landing fields licensed by the Administrative Department of Civil Aeronautics shall be guilty of a contravention when he fails to notify immediately the nearest civil, military or police authorities regarding the crew or the owner, user or operator of an aircraft in private or commercial service who:

(a) Land at an airport or landing strip not authorized by the Administrative Department of Civil Aeronautics or operate at authorized airports or landing strips outside the hours established for this purpose;

(b) Operate an aircraft without having on board the documents identifying its nationality or an authorized flight plan for the route in question;

(c) Bring the aircraft into the country or take it abroad without complying with the requirements laid down in the laws and regulations;

(d) Take off without authorization or without the corresponding flight plan, or vary the plan without the approval of the respective control tower;

(e) After landing, fail to present to the authorities a flight plan, when this is necessary, or the technical and medical licences, when such formalities are required;

(f) Unduly delay transit between two or more airports or landing strips specified in the flight plan;

(g) Use markings, letters or numbers other than those indicated in the legal registration of the aircraft.

ARTICLE 59. Where landing strips exist or are found that have not been authorized by the Administrative Department of Civil Aeronautics, authorization shall be given to render them unusable.

ARTICLE 60. [In] the disposition of cases involving contraventions, the ruling referred to in article 93, paragraph (f), of the Statute shall be delivered within the next 10 days, provided the report of the Institute of Forensic Medicine has been received, if required.

ARTICLE 61. The prosent Decree shall enter into force on the date of its publication.

To be published and implemented.

E/NL.1987/71

RESOLUTION NO. 009 OF 18 FEBRUARY 1987

Regulating the import, manufacture, distribution, transport and use within the national territory of acetone, chloroform, ethyl ether, hydrochloric acid and other substances referred to in article 20, paragraph (f) of Law No. 30 of 1986 2/

THE NATIONAL NARCOTIC DRUGS COUNCIL,

In exercise of the powers conferred on it by article 91, paragraph (c), of Law No. 30 of 1986, and

CONSIDERING:

That article 20, paragraph (f), of Law No. 30 of 1986 provides that the Ministry of Health shall prepare for approval by the National Narcotic Drugs Council regulations governing the control of the import, manufacture, sale, distribution, transport and use of acetone, hydrochloric acid and the other substances that are contemplated in that Law and that can be used for the processing of dependence-producing drugs;

That the objective of the regulations must be to unify the provisions in this regard at the national level so as to permit effective control over the use of these substances; and

That it is necessary for effective control that precise requirements should be established in respect of the individuals or bodies corporate that use these substances,

RESOLVES:

CHAPTER I

General principles

ARTICLE I. The substances with which this regulation is concerned are the following:

Acetone (or 2-propanone or dimethyl ketone);
Hydrochloric acid;
Ethyl ether (or sulphuric diethyl ether or diethyl oxide);
Chloroform (or trichloromethane);
Ammonia (or ammonium hydroxide);
Potassium permanganate;
Sodium carbonate;
Methyl ethyl ketone (or 2-butanone or MEK);
Aliphatic solvent No. 1 (Shellsol 1), aliphatic solvent No. 2 (Shellsol 2);
Thinner;
Ethyl acetate;
Methanol or methyl alcohol;
Butyl acetate;
Diacetone alcohol (pyranton);
Hexane;
Butyl alcohol (or 1-butynol or propyl carbinol).

Paragraph. The National Narcotic Drugs Council, by a general resolution and with the advice of the Ministry of Health, may identify other substances capable of being used for the processing of drugs producing psychological or physical dependence, and may change the solvents and thinners.

ARTICLE 2. The individuals or bodies corporate classified in this Resolution as importers, producers, distributors and consumers of the substances referred to in article 1 of this Resolution must register with the Ministry of Health and apply to the National Narcotic Drugs Council for the certificate attesting to the absence of [drug-trafficking] reports whenever the quantities involved exceed:

Five kilogrammes a month in the case of solids;
Five litres a month in the case of liquids.

CHAPTER II

Definitions

ARTICLE 3. For the purposes of the present Resolution, the following definitions shall apply:

Importer: Any individual or body corporate that introduces into the country one or more of the substances referred to in article 1 of this Resolution.

Producer: Any individual or body corporate that produces, processes, transforms or uses one or more items for the purpose of obtaining the substances referred to article 1 of this Resolution.

Distributor: Any individual or body corporate that markets or offers to the public in exchange for remuneration, either in money or in kind, one or more of the substances or products referred to in article 1 of this Resolution.

Consumer: Any individual or body corporate that acquires for its own use one or more of the substances or products referred to in article 1 of this Resolution.

Liquids: More than five (5) litres a month in the case of acetone, methyl ethyl ketone, ethyl ether, hydrochloric acid, sulphuric acid, ammonia and chloroform, regardless of their quality.

Solids: More than five (5) kilogrammes monthly, regardless of the quality.

CHAPTER III

Procedures involving the National Narcotic Drugs Council

ARTICLE 4. Documentation. For the processing of applications to the National Narcotic Drugs Council for the issue of certificates attesting to the absence of drug-trafficking reports intended for the Colombian Foreign Trade Institute (INCOMEX) and the Ministry of Health, interested parties must comply with the requirements specified in articles 51 and 52 of Decree No. 3788 of 31 December 1986.

ARTICLE 5. Producers or consumers who, for the purposes of the preceeding article, apply to the National Narcotic Drugs Council shall be required to justify the quantities and use of the substances or products involved in their application by presenting a certificate issued by a chemistry area professional, bearing the number of that person's professional licence and, in the case of a pharmaceutical chemist, his registration number with the Ministry of Health.

Paragraph. The term "professional" in this context shall be understood as referring to a chemist, a pharmaceutical chemist or a chemical engineer engaged in the legal practice of his or her profession.

ARTICLE 6. Through the agency which it designates, the National Narcotic Drugs Council shall carry out an inspection visit to the individual or body corporate applying for the certificate.

Paragraph. A record shall be made of this visit and must be signed by the legal representative or owner of the enterprise, by the chemistry area professional who certifies the use of the substances, where appropriate, and by the officials involved in the visit. A copy of this record shall be left with the interested party.

ARTICLE 7. Once the agency's report and technical judgement based on the visit have been received, the National Narcotic Drugs Council shall issue the certificate in question.

ARTICLE 8. The Ministry of Health shall process and effect the registrations referred to in article 2 of this Resolution on the basis of the certificate issued by the National Narcotic Drugs Council.

ARTICLE 9. The certificate attesting to an absence of drug-trafficking reports and issued by the National Narcotic Drugs Council shall be valid for one (1) year from the date of its issue, provided that no circumstances arise to warrant its revocation by the National Narcotic Drugs Council.

ARTICLE 10. In the event that the National Narcotic Drugs Council denies the certificate attesting to the absence of drug-trafficking reports, the interested party shall have five (5) days from the notification [of denial] to protest this decision. If the applicant requests proof or proof is officially ordered, a period of thirty (30) calendar days shall be provided within which to present it. Once the proof has been presented, the National Narcotic Drugs Council shall uphold or change its decision.

ARTICLE 11. Application for renewal of the certificate must be made within three (3) months prior to its expiry, with the following documentation to be attached:

- Application specifying the quantities and end use of the substance;
- Certificate of incorporation and administration, issued by the Chamber of Commerce or Trading Register, as appropriate, not more than three (3) months previously;
- Most recent declaration of [the Chambers of] Industry and Commerce;
- Authenticated photocopy of the citizenship papers of the partners or individual in the case of a commercial establishment;
- Latest revised version of the articles of association if the company underwent a reorganization during the last year.

ARTICLE 12. In the event of a failure to submit the renewal application within the time-limits specified in article 11 of this Resolution, the applicant must submit the complete documentation as if the application were being made for the first time.

Registration with the Ministry of Health

ARTICLE 13. For the purposes of the registration referred to in article 2 of this Resolution, the interested party shall submit the following information and documentation to the Biochemical Products Monitoring Division:

(a) Name, identity document number, and address of the applicant;

(b) Class of substance(s), with an indication of the quantity and destination;

(c) Proof of existence and legal representation or entry in the Trading Register, as appropriate, with the date of issue to be not more than three (3) months in the past;

(d) Certificate issued by the National Narcotic Drugs Council and referred to in Chapter III of this Resolution;

(e) Explanation of the purpose for which the registration is being sought;

(f) Allocation requested, on the basis of consumption statistics when substances for use in the pharmaceutical industry are involved;

(g) Book indicating the movement [of the substances].

ARTICLE 14. Once the aforementioned requirements have been satisfied, the Directorate for Monitoring and Control of the Ministry of Health, shall, in the form of an official decision, register the applicant in one or more of the categories established in article 3 of this Resolution, with this registration to be valid for a period of one (1) year.

ARTICLE 15. When the body registered is a laboratory or pharmaceutical industry enterprise, the Directorate for Monitoring and Control of the Ministry of Health shall set the annual allocation required by the applicant, communicating it to the National Narcotic Drugs Council when the substances involved are used in the pharmaceutical industry.

Paragraph 1. The allocation referred to in the preceding article must be taken into account by the National Narcotic Drugs Council when the respective imports are authorized.

Paragraph 2. In other cases, the allocation shall be set by the National Narcotic Drugs Council.

ARTICLE 16. Application for renewal of the registration must be made with the Biochemical Products Monitoring Division of the Ministry of Health within two (2) months prior to the expiry of the registration. The same information that is referred to in article 13 of this Resolution must be included in the application.

ARTICLE 17. If during the renewal procedure three (3) months elapse from the date on which the interested party is notified of a decision ordering him to comply with some requirement and he fails to do so, the application shall be regarded as lapsed and must be resubmitted.

ARTICLE 18. Producers and distributors must maintain a book recording the movements in and out of the substances listed in article 1 [of this Resolution]. This book must be sealed and its pages numbered by the Biochemical Products Division of the Ministry of Health.

ARTICLE 19. The book referred to in the preceding article shall be available to the competent authorities and shall contain the following information:

- Name, identity document number, and address of the purchaser;
- Registration number with the Ministry of Health;
- Issue date and number of the certificate from the National Narcotic Drugs Council;
- Destination of the product;
- Quantity and quality of the substance produced or sold.

Paragraph. In the case of the consumer, the book shall contain only the entries pertaining to the movement of the substances imported or purchased and used. Each of these recorded movements shall be endorsed by the chemistry area professional referred to in article 5 of this Resolution.

ARTICLE 20. The purchaser shall be required to present to the seller the documents listed in article 19 of this Resolution, and it is on the basis of these documents that the annotations shall be made in the respective book.

CHAPTER IV

Imports

ARTICLE 21. The Colombian Foreign Trade Institute shall file and process applications for import licences for the substances referred to in article 1 of this Resolution only when these applications have been approved by the National Narcotic Drugs Council.

ARTICLE 22. In order to secure the approval of the National Narcotic Drugs Council, the interested party must submit his application in writing and accompanied by:

(a) Import registration and two (2) photocopies of the main sheet;

(b) Authenticated photocopy of the registration with the Ministry of Health;

(c) Certification of the allocation assigned by the Ministry of Health when the substances in question are for use in the pharmaceutical industry.

ARTICLE 23. The National Narcotic Drugs Council shall approve or reject the application on the basis of a valid certificate attesting to an absence of drug-trafficking reports, taking into account the allocation assigned by the Ministry of Health when the substances in question are for use in the pharmaceutical industry.

Paragraph. The import registrations shall be countersigned by the Executive Secretariat of the National Narcotic Drugs Council.

Transport

ARTICLE 24. An individual or body corporate with a need to transport the substances referred to in article 1 of this Resolution shall be required to obtain and complete a special form that will be supplied and approved by the National Institute of Transport or the respective regional [authority].

ARTICLE 25. In order to acquire the form referred to in the preceding article, the applicant must enclose:

1. A certificate attesting to an absence of drug-trafficking reports, issued by the National Narcotic Drugs Council;

2. The resolution authorizing the registration of the owner of the merchandise with the Ministry of Health;

3. A photocopy of the entry and duty-payment certificate [certificado de nacionalización] in the case of imported substances.

Paragraph. This form, duly approved by the National Institute of Transport, must be carried by the operator of the vehicle during the entire journey.

ARTICLE 26. In order to obtain a new transport form for substances subject to control under Law No. 30 [of 1986] and this Resolution, in addition to the items specified in the preceding article, the original of the form approved and used for previous transport must be attached.

ARTICLE 27. Transport operators who fail to present to the authorities who require it the form referred to in article 24 [of this Resolution], shall be liable to sanctions in accordance with the provisions of article 43 of Law No. 30 of 1986.

CHAPTER V

Miscellaneous provisions

ARTICLE 28. Importers, producers and distributors shall be required, on a six-monthly basis, to forward to the National Narcotic Drugs Council a report on transactions involving the substances referred to in article 1 of this Resolution.

Paragraph. This report must be submitted within the first fifteen (15) days of each six-month period and must contain the data for the period from 1 January to 30 June and from 1 July to 31 December of the year in question.

ARTICLE 29. The monitoring and control of the import, marketing and use of the chemical products under consideration shall be carried out by the National Narcotic Drugs Council.

Paragraph. The Ministry of Health may conduct inspection visits when necessary.

ARTICLE 30. Without prejudice to the provisions both of the criminal law and of Law No. 30 of 1986, the chemistry area professional who issues the certifications referred to in article 5 and in the paragraph of article 19 of this Resolution shall be guilty of a grave violation of professional ethics if these certifications are not truthful or are used as a means of evading compliance with the rules governing the control of the substances regulated by this Resolution.

ARTICLE 31. Any conflicts, either of competence or of procedure, that may arise in the application of the subject-matter regulated by this Resolution shall be studied and settled by the National Narcotic Drugs Council.

ARTICLE 32. Failure to comply with the rules laid down in this Resolution shall be punished in accordance with the provisions of Law No. 30 of 1986, without prejudice to the other criminal proceedings that may apply.

ARTICLE 33. This Resolution shall enter into force on the date of its issue.

To be published and implemented.

Done in Bogotá, D. E., on 18 February 1987.

Notes

1/ Note by the Secretariat: E/NL.1986/69.

2/ Note by the Secretariat: E/NL.1986/12.